

Amy J. Pattillo, Patent Attorney
P.O. Box 161327
Austin, Texas 78716
PHONE# 512-402-9820
FAX # 512-306-0417

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Docket No. AUS92001824US1 Serial No. 10/015,380 Atty: AJP

Applicant: BROWN ET AL _____

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Serial No. 10/015,380
Atty Docket AUS920010824US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of Brown et al. Serial No.: 10/015,380 Filed: 12/12/2001 Title: MANAGING CALLER PROFILES ACROSS MULTIPLE HOLD QUEUES ACCORDING TO AUTHENTICATED CALLER IDENTIFIERS Docket: AUS920010824US1	: Before the Examiner: : Allan Hoosain : Group Art Unit: 2645 : IBM Corporation (AP) : (c/o) Amy J. Pattillo : P.O. Box 161327 : Austin, Tx 78716
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TRANSMITTAL OF APPEAL BRIEF UNDER 37 CFR §41.37

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Attached is Appellants' Brief, from a decision of the Examiner dated August 12, 2005, finally rejecting claims 1-7, 10-12, and 17-20.

Please charge the fee of \$500.00 under 37 CFR §41.20(b)(2) for submission of this Appeal Brief to IBM Corporation Deposit Account No. 09-0447.

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Respectfully submitted,



m 1/17/06

Amy J. Pattillo
Attorney for Applicants
Reg. No 46,983
P.O. Box 161327
Austin, Texas 78716
vox (512) 402-9820
fax (512) 306-0417

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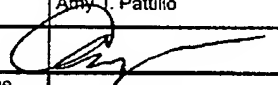
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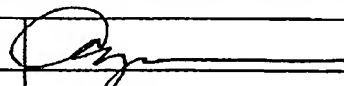
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/015,380	
	Filing Date	12/12/2001	
	First Named Inventor	Brown et al.	
	Art Unit	2645	
	Examiner Name	Allan Hoosain	
Total Number of Pages in This Submission	38	Attorney Docket Number	AUS920010824US1

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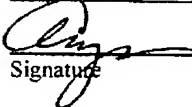
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of Brown et al. Serial No.: 10/015,380 Confirmation Number: 2840 Filed: 12/12/2001 Title: Managing Caller Profiles Across Multiple Hold Queues According to Authenticated Caller Identifiers Atty Docket: AUS920010824US1	: Before the Examiner: : Allan Hoosain : Group Art Unit: 2645 : IBM Corporation (c/o Amy J. Pattillo) : P.O. Box 161327 : Austin, Texas 78716 : 512-402-9820 <i>vox</i> : 512-306-0417 <i>fax</i>
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APPEAL BRIEF UNDER 37 CFR §41.37

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This Appeal Brief is submitted in support of the Appeal in the above-referenced application pursuant to a Notice of Appeal filed November 14, 2005 as required by 37 C.F.R. 41.31. This is an appeal from a final rejection dated August 12, 2005 of claims 1-7, 10-12, and 17-20 of application serial number 10/015,380, filed December 12, 2001.

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Appeal Brief

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Serial No. 10/015,380
Atty Docket No. AUS920010824US1

I. Real Party in Interest

The real party in interest in the present application is the Assignee, International Business Machines Corporation of Armonk, New York, as evidenced by the Assignment set forth at Reel 012381, Frame 0407.

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II. Related Appeals and Interferences

In a related application US Patent Publication 2003-0108184, assigned to International Business Machines Corporation, Appellants filed a Notice of Appeal on October 5, 2005 and an Appeal Brief on December 2, 2005. On January 8, 2006, Examiner Tieu contacted Appellants and stated that claims 1-29 would be allowed, however, no notice of allowance has been received as of the filing of this appeal brief.

In a related application US Patent Publication 2003/0108186, assigned to International Business Machines Corporation, Appellants filed a Notice of Appeal on June 17, 2004 and an Appeal Brief on August 17, 2004.

There are no additional Appeals or Interferences known to Appellant, Appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. No decisions have been rendered by a court or the Board at this time in any related applications.

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III. Status of Claims

1. Status of All Claims in Application

- a. Claims Rejected: 1-7, 10-12, 17-20
- b. Claims Allowed or Confirmed: None
- c. Claims Withdrawn from Consideration: 13-16, 21-50
- d. Claims Objected to: 8, 9
- e. Claims Cancelled: None

2. Claims on Appeal

- a. The claims being appealed are: 1-7, 10-12, and 17-20
- b. The claims being appealed stand finally rejected as noted by the Examiner in the Examiner's Action dated August 12, 2005. These rejected claims which form the basis of this appeal are reproduced in the attached Appendix.

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IV. Status of Amendments

In an Office Action dated February 9, 2005, the Examiner notes that Appellants elected claims 1-12 and 17-20 and as a result claims 13-16 and 20-50 are withdrawn from consideration.

In Appellants' response dated May 9, 2005, Appellants amended claims 1-5, 6, and 12. The Examiner entered the amended claims in the Office Action dated August 12, 2005.

No amendments after the Office Action dated August 12, 2005, finally rejecting claims 1-7, 10-12 and 17-20, were presented.

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V. Summary of Claimed Subject Matter

Claim 1 is directed to a method for controlling distribution of caller profiles. (Specification, abstract, paragraph 0032, Figure 3, element 50). A request for a caller profile according to an authenticated voice identifier of a caller current only hold within a particular call center is received at a central server system accessible from a telecommunications network. (Specification, paragraphs 0084, 0143, Figures 2 and 3, element 50, Figure 7, elements 84, 86, 88, Figure 10, elements 172, 174). The central server system is accessible to multiple call centers from the telecommunications network. (Specification, paragraphs 0032, 0084, Figure 2, elements 16a-16n). A caller profile matching the authenticated voice identifier is located at the central server system. (Specification, paragraphs 0032, 0084, 0085, 0092, and 0145, Figure 10, elements 180 and 182). The caller profile includes prior on hold selections by the caller while previously waiting on hold at at least one of the multiple call centers, where the prior on hold selections were transferred to the central server system. (Specification, paragraphs 0086, 0093, 0111, 0114, Figure 4, element 66, Figure 5, Figure 9, elements 160, 162, and 164, and Figure 10, elements 172 and 192). The caller profile is distributed to the particular call center according to the authenticated voice identifier (Specification, paragraph 0146, Figure 10, elements 182, 186 and 188), such that the particular call center is enabled to customize on hold services provided to the caller according to the caller profile, wherein the caller profile is accessible across the multiple call centers according to the voice identifier for customizing on hold services provided to the caller. (Specification, paragraphs 0083, 0085, Figure 4, element 68, Figure 9, element 152).

Claim 2 is directed to the method of claim 1, including a method for receiving an alternate request at the central server system for the caller profile according to the authenticated voice identifier of the caller currently on hold within an alternate call center from among the multiple call centers and distributing the caller profile to the alternate call centers according to the authenticated voice identifier. (Specification, paragraphs 0084 and 0085, Figure 2, elements 16a-16n, 50, Figure 10, elements 172, 180, and 188).

Claim 3 is directed to the method of claim 1 including a method for requiring an authentication of an identifier for the particular call center with the request before distributing the caller profile to the particular call center (Specification, paragraphs 0087, 0088, 0091, 0144, Figure 10, elements 174, 176, and 178).

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Claim 4 is directed to the method of claim 1 wherein the caller profile includes at least one from among personal information, billing information, a selection of preferences while on hold, and previous product purchases. (Specification, paragraphs 0032, 0107-0110, Figure 5).

Claim 5 is directed to the method of claim 1 wherein the authenticated voice identifier is authenticated by identifying and verifying a voice sample of the caller. (Specification, paragraphs 0043, 0044, 0059, 0060, and 0062).

Claims 6, 11, and 12 are directed to a caller profile server communicatively connected to a network accessible to multiple call centers (Specification, paragraphs 0083-0089, Figures 2 and 3, element 50, Figure 10) and the means for performing the elements described in claims 1, 5, and 3, respectively. In addition, claim 7 is directed to the caller profile server of claim 6 communicatively connected to a PSTN network via an intranet. (Specification, paragraph 0084). Claim 10 is directed to the caller profile server of claim 6 including means for further authenticating the authenticated voice identifier prior to release of the caller profile to the particular call center. (Specification, paragraph 0087).

Claim 17 is directed to a method for controlling distribution of caller profiles to call centers. (Specification, abstract, paragraphs 0032 and 0084, Figure 3, element 50). A request for a caller profile according to an authenticated voice identifier of a caller current only hold within a particular call center is received at a central server system accessible from a telecommunications network. (Specification, paragraphs 0084, 0143, Figures 2 and 3, element 50, Figure 7, elements 84, 86, 88, Figure 10, elements 172, 174). The request includes an identifier for the call center. (Specification, paragraph 0087, Figure 10, elements 170, 172, 174, 176). A subscription status of the call center from among multiple call center subscriptions is determined according to the identifier for the call center. (Specification, paragraphs 0087, 0088, Figure 10, element 186). Only the subscribed to portion of the caller profile for the caller is distributed to the call center according to the subscription status for the call center. (Specification, paragraph 0088, Figure 10, elements 186, 188). Claim 18 is directed to the method of claim 17 where the identifier for the call center is at least one from among an authenticated voice identifier, a subscription code identifier, and a line number identifier. (Specification, paragraph 0087).

Claims 19 and 20 are directed to a caller profile server communicatively connected to a network accessible by multiple call centers (Specification, paragraphs 0083-0089, Figures 2 and

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3, element 50, Figure 10) with means for performing the elements of claims 17 and 18, respectively.

Appeal Brief

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VI. Grounds of Rejection to be Reviewed on Appeal

1. Claims 1-7 and 10-12 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Greene (US Patent 6,246,759) in view of Rogers et al. (US Patent 5,946,386)

2. Claims 17-20 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Uppaluru (US Patent 6,381,329) in view of Rogers (US Patent 5,946,386).

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VII. Argument

1. 35 U.S.C. 103(a), Alleged Obviousness, Claims 1, 2, 6, and 7

The Final Office Action rejects claims 1, 2, 6, and 7 under 35 U.S.C. §103(a) as being allegedly unpatentable over Greene (US Patent 6,246,759) in view of Rogers et al. (US Patent 5,946,386) [Final Office Action, p. 2] The rejection is respectfully traversed.

Independent method claim 1, which is representative of system claim 6 with regard to similarly recited rejection, reads as follows:

1. A method for controlling distribution of caller profiles comprising:
receiving a request at a central server system accessible from a telecommunications network for a caller profile according to an authenticated voice identifier of a caller currently on hold within a particular call center from among a plurality of call centers enabled to access said central server system;
locating, at said central server system, said caller profile matching said authenticated voice identifier, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system; and
distributing said caller profile to said particular call center according to said authenticated voice identifier, such that said particular call center is enabled to customize on hold services provided to said caller according to said caller profile, wherein said caller profile is accessible across said plurality of call centers according to said voice identifier for customizing on hold services provided to said caller.

In the rejection of claim 1 the Examiner states the following ground of rejection:

- As to claims 1, 5, with respect to Figures 3-7, Greene [amended by Appellant] teaches a method for controlling distribution of caller profiles comprising:
receiving a request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information according to a proxy call of a caller currently on hold within a particular call center from among a plurality of call centers enabled to access said central server system (Figure 1); and
locating, at said central server system, said caller profile matching said authenticated voice identifier, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system (Col. 6, lines 10-15); and
distributing said caller profile to said particular call center according to said authenticated voice identifier, such that said particular call center is enabled

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to customized on hold services provided to said caller according to said caller profile (Col. 6, lines 10-24),

wherein said caller profile is accessible across a plurality of ACDs (call centers) according to said voice identifier for customizing on hold services provided to said caller (Col. 6, lines 10-24 and Col. 7 lines 48-55);

Greene does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that Greene suggests the limitations. This is because Greene teaches sending information elements to ACDs (Col. 4, lines 17-20). These information elements suggest the authenticating of callers using caller profiles (Col. 3, lines 40-48 and Col. 4, lines 22-28). Rogers teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36, and col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to Greene’s invention for verifying a caller’s identity as taught by Rogers’ invention in order to provide callers with specific personalized messages. [Office Action, pp. 3-4]

Similarly, in the rejection of claim 6, the Examiner states a similar ground of rejection as follows:

As to claims 6, 10-12, with respect to Figures 1-4, Greene teaches a system for controlling distribution of call center information, comprising:

a caller profile server communicatively connected to a network accessible by a plurality of call centers (Figure 1);

means for receiving a request at said caller profile server for a caller profile according to an information element (an authenticated voice identifier of a caller currently on hold) within a particular call center from among said plurality of call centers; (col. 4, lines 17-28);

means for locating said caller profile matching said authenticated voice identifier at said caller profile server, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system (Col. 6, lines 10-15); and

means for distributing said caller profile to said particular call center according to said authenticated voice identifier, wherein said caller profile is accessible across said plurality of call centers according to said voice identifier for customizing on hold services provided to said caller (col. 6, lines 10-24 and col. 7, lines 48-55);

Greene does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that Greene suggests the limitations. This is because Greene teaches sending information elements to ACDs (Col. 4, lines 17-20). These information elements suggest the authenticating of callers using caller profiles (Col. 3, lines 40-48 and Col. 4, lines 22-28). Rogers teaches voice identification (authenticated voice identifier) of callers and caller VIP rules

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(profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36, and col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to Greene's invention for verifying a caller's identity as taught by Rogers' invention in order to provide callers with specific personalized messages. [Office Action, pp. 5-6]

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Appellants respectfully assert that the Examiner does not carry the burden of proving a prima facie case of obviousness as to claims 1 or 6 for the following reasons.

Greene and Rogers do not teach or suggest all of the claim limitations of claims 1 and 6

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In particular, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Appellants respectfully note that the Examiner does not show, nor do the references teach or suggest, separately or in combination, each of the elements of claims 1 and 6.

First, neither Greene nor Rogers, separately or in combination, teaches or suggests a *central server system* (hereinafter also refers to the caller profile server) and in particular do not teach or suggest *receiving a request at a central server system accessible from a telecommunications network for a caller profile according to an authenticated voice identifier of a caller currently on hold within a particular call center from among a plurality of call centers enabled to access said central server system* because Greene does not teach a central server system that receives a request from one of multiple call centers enabled to access the central server system. Greene describes a "call overflow system" with multiple automatic call distribution systems (ACDs), where one ACD can overflow a call to another ACD within the call overflow system. *Greene*, col. 2, lines 9-17, col. 3, lines 8-39. For each transferred call, the transferring system compiles an information data packet about the call for transfer with the call. *Greene*, col. 4, lines 17-20. The Examiner states that Figure 1 of Greene teaches "receiving a

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request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information according to a proxy call of a caller currently on hold within a particular call center from among a plurality of call centers enabled to access said central server system.” First, Appellants respectfully assert that Figure 1 of Greene does not show a “premises call center gateway” as stated by the Examiner, and more importantly Figure 1 does not show a central server system that receives request from one of multiple call centers, as claimed by the Examiner. Further, Appellants respectfully note that Greene only describes an originating call center and a destination call center, where the originating call centers overflows a call to the destination call center with information about the call being passed; Greene does not teach or suggest, nor does the Examiner point to any teaching or suggestion, of a central server system that receives requests from multiple call centers. In contrast, claims 1 and 6 describe receiving a request at a central server system accessible from a telecommunications network from a particular call center from among a plurality of call centers enabled to access said central server system. Because Greene does not teach or suggest the central server system of claims 1 and 6, Greene in view of Rogers does not teach or suggest at least one element of claims 1 and 6 and therefore a prima facie case of obviousness is not established under 103(a).

Second, neither Greene nor Rogers separate or in combination teaches a *central server system* because when claims 1 and 6 are viewed as a whole, the central server system receives the request for a caller profile from one of multiple call centers, locates the caller profile and distributes the caller profile to a particular call center. Greene only describes one ACD sending a request to another ACD to take the overflow call with the data packet for the call. *Greene*, col. 4, lines 17-20. Neither Greene nor Rogers describes a central server system that receives requests for caller profiles from call centers, locates the caller profiles, and distributes the caller profiles. Because Greene does not describe a central server system that performs all the elements of claims 1 and 6 when the claims are viewed as a whole, Greene in view of Rogers does not teach or suggest at least one element of the claims and therefore a prima facie case of obviousness is not established under 103(a).

Third, Rogers does not teach a *caller profile*. The Examiner refers to Rogers as disclosing “voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (col. 23, lines 41-43, col. 24, lines 32-36, and

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col. 37, lines 5-15).” [Office Action, p. 4] Thus, the Examiner equates “caller VIP rules” with a caller profile. Col. 37, lines 5-15 of Rogers read:

“Screen 7701 is used to define “WHAT” actions are to be taken. VIP rules can result in one or a series of actions to be taken: 1. Play out selected pre-recorded messages 715 to the caller, personalized for the caller and recorded in the called party’s own voice, e.g. “John, I’m out of the office today. If you need to speak with sales, press one, or to speak to Sam, press two. Otherwise, I will call you back tomorrow.” Or “John, I’m on the phone right now, but don’t hang up, I’ll be right with you.”. These messages can also be used for “Callback” responses to...”

Appellants respectfully assert that the VIP rules referenced by the Examiner merely disclose rules set by the party receiving a call that “can result in one or a series of actions to be taken” and not to a “caller profile” that indicates information gathered about a caller. In contrast, when claims 1 and 6 are each considered as a whole, the caller profile includes information gathered about the caller from previous selections by the caller while waiting on hold. Further, the caller profile of claims 1 and 6 includes previous selections that are distributed by the central server system to enable a call center to specify services for a caller waiting on hold. Because Rogers does not teach or suggest a caller profile, Greene in view of Rogers does not teach or suggest at least one element of claims 1 and 6 and therefore a prima facie case of obviousness under 103(a) is not established.

Fourth, neither Greene nor Rogers, separately or in combination teaches or suggests *a caller profile* and in particular do not teach or suggest *locating, at said central server system, said caller profile matching said authenticated voice identifier, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system* because neither Greene nor Rogers describes a central server system that stores caller profiles that include prior on hold selections by the caller at that call center or other call centers that transferred the selections to the central server system. Col. 6, lines 10-15 of Greene, as cited by the Examiner as teaching the claimed element, read:

“Byte ten 54 of the information element data packet 34 includes overflow count indicating a number of times a call has been overflowed between ACDs. Each CPU 16A, 16B, and 16C, for example may increase the value contained in byte ten 54 when a call is transferred.”

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The data packet in Greene tracks the number of times a call has been overflowed from one ACD to the next. No portion of Greene or the Examiner's rejection provides any teaching of a caller profile that includes prior on hold selections by the caller while previously waiting on hold at one of the call centers. In contrast, claims 1 and 6 describe locating a caller profile at the central server system where the caller profile comprises prior on hold selections by the caller as updated by other call centers. Therefore, because Greene does not teach locating a caller profile at a central server system or locating a caller profile at a central server system that includes prior on hold selections by the caller while previously waiting on hold at at least one of the call centers, Greene in view of Rogers also does not teach or suggest at least one element of claims 1 and 6 a prima facie case of obviousness under 103(a) is not established.

Fifth, Rogers, does not teach an *authenticated voice identifier*. The Examiner equates the authenticated voice identifier of claims 1 and 6 with a spoken name compared with a list of names through voice recognition. Rogers, col. 23, lines 41-43 and col. 24, lines 32-36 which read:

“telephone keypad entry of a unique assigned PIN number; or speaking his/her name with subsequent voice recognition by the call management computer.”

“If the name was spoken 512, the call management computer 101 compares the name with entries in a voice identification database 214. If the name corresponds to one in the voice identification database 214, the calling party is identified 521.”

Voice recognition, however, does not teach voice authentication or a voice authenticated identifier. “Voice recognition” is defined as “The capability of a computer to understand the spoken word for the purpose of receiving commands and data input from the speaker.” (Microsoft Computer Dictionary, 5th Edition, p. 567) Thus, voice recognition technology converts a spoken word into text that is a command or data input from the speaker. In contrast, “authentication” is not merely receiving commands or data input, but is defined as “In a multiuser or network operating system, the process by which a system validates a user's logon information.” (Microsoft Computer Dictionary, 5th Edition, p. 42). Voice authentication is the process by which a system validates a user's voice as the logon information, requiring a system enabled to receive and process biometric information, such as the voice. (See Specification, paragraphs 0044, 0060-0062). Thus, voice authentication is distinguishable from, and not taught by speech recognition, because voice authentication is not merely converting a spoken word into

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text, but matching a voice pattern to validate or verify a speaker's identity. Therefore, because Rogers does not teach or suggest voice authentication, Greene in view of Rogers does not teach at least one element of claims 1 and 6 and therefore a prima facie case of obviousness under 103(a) is not established.

In conclusion, a prima facie case of obviousness under 103(a) is not established for claims 1 or 6 because at least one element of each of claims 1 and 6 is not taught by Greene in view of Rogers.

There is no suggestion or motivation to modify Greene by Rogers

To establish a prima facie case of obviousness, there must be a suggestion or motivation to modify the reference. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438, 1442 (Fed Cir. 1991). The suggestion or motivation to modify Greene by Rogers must come from the teachings of Greene, and the examiner must explicitly point to the teaching within the reference suggesting the proposed modification. Absent such a showing, the Examiner has impermissibly used "hindsight" occasioned by Appellants' own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.2d 115, 117, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989).

Appellants respectfully assert that there is no motivation to modify Greene by Rogers because there is no motivation to modify Greene to teach an "authenticated voice identifier" and "caller profiles". The Examiner states that Greene suggests the limitations of "authenticated voice identifier" and "caller profiles" because Greene teaches sending information elements to ACDs (Col. 4, lines 17-20) and these information elements suggests the authentication of caller using caller profiles (Col. 3, lines 40-48 and Col. 4, lines 22-28). [Office Action, p. 3] These data packets described in Greene, however, are described as indicating the telephone numbers and identifiers for the routing systems. Col. 4, lines 22-28 read:

"The data contained in the information element data packet 34 enables the destination ACID 12B to efficiently route the overflow call and provides information to trigger the CPU 12B to perform various functions at the destination ACD 12B, such as announcements of agents, announcements to customers, screen displays of data, prioritization of call routing and network call handling reports."

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Clearly, Greene describes the data packets as a routing and tracking packet for the call overflow system. No portion of Greene's description of data packets suggests that a data packet would also include caller information. Further, no portion of Greene's description of data packets suggests that a data packet would include an authenticated caller identifier or a caller profile. Therefore, regardless of the Examiner's assertion that the data packets of Greene "suggest the authenticating of callers using caller profiles", Greene clearly does not suggest or motivate modification to teach an authenticated voice identifier or caller profile.

Therefore, because there is no suggestion or motivation in the teachings of Greene or cited by the Examiner, to modify Greene to teach an authenticated voice identifier and a caller profile, a prima facie case of obviousness is not established in view of Greene and Rogers for claims 1 and 6 and Appellants respectfully request allowance of these claims.

There is No Reasonable Expectation of Success in the Proposed Modification of Greene by Rogers

To establish a prima facie case of obviousness, there must be a reasonable expectation of success in the proposed modification of Greene by Rogers. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097, 231 USPQ 375, 379 (Fed. Cir. 1986). Appellants respectfully assert that there is no reasonable expectation of success in the proposed modification of Greene by Rogers,

First, Appellants respectfully assert that there is no reasonable expectation of success in the modification proposed by the Examiner based on the Examiner's assertion as to what Greene suggests. Claims 1 and 6 teach that a central server system receives a request for a caller profile associated with a voice authenticated identifier from a call center, locates a caller profile associated with the voice authenticated identifier, and distributes the caller profile to the requesting call center. The Examiner asserts, stating a reason for modifying Greene, that "these information elements suggest the authentication of a caller using caller profiles." [Office Action, p. 3] Appellants disagree with the Examiner's characterization that the "caller profiles" taught in claims 1 and 6 are just used to authenticate callers. In particular, claims 1 and 6 describe receiving an "authenticated voice identifier", meaning that the identity of the caller is already authenticated and that the authenticated voice identifier indicates the already authenticated caller identity. When claims 1 and 6 are considered as a whole, a "caller profile" is requested according to "an authenticated caller identifier" and the "caller profile" is used to specify services for a

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caller waiting on hold. In contrast, the Examiner's proposal to modify the data packets passed with overflow calls to include authenticating of callers using caller profiles does not yield a central server system receiving a request for a caller profile according to an authenticated caller identifier. Thus, there is no reasonable expectation of success in the proposed modification of Greene by Rogers and therefore no prima facie case of obviousness as to claims 1 and 6 and Appellants respectfully request allowance of these claims.

Second, Appellants respectfully assert that there is no reasonable expectation of success in the proposed modification because the proposed modification does not enable a call center to customize on hold services to a caller based on previous selections by that caller during a previous on hold session. Claims 1 and 6, when viewed as a whole, teach that the central server system locates the caller profile which includes prior on hold selections by the caller while previously waiting on hold at one of the call centers to enable the call center to customize services provided to the currently now waiting again on hold according to the caller profile. Greene describes a "call overflow system" with multiple ACDs where one ACD can overflow a call to another ACD within the call overflow system. *Greene*, col. 2, lines 9-17, col. 3, lines 8-39. For each transferred call, the transferring system compiles an information data packet about the call for transfer with the call. *Greene*, col. 4, lines 17-20. Rogers describes a computer system that selects a particular pre-recorded message to play to a particular caller. Col. 37, lines 5-15. The combination of Greene and Rogers, based on the portions cited by the Examiner, if anything would describe a call overflow system for passing a call from one ACD to another where a pre-recorded message is selected for a particular caller and played by one of the ACDs. There is no reasonable expectation of success in the proposed modification enabling a central server system that distributes a caller profile to a call center, where the caller profile includes prior on hold selections by the caller while previously waiting on hold at one of the call centers to enable the call center to customize services provided to the currently now waiting again on hold according to the caller profile. Because there is no reasonable expectation of success in the proposed modification, prima facie obviousness is not established for claims 1 and 6 and the claims should be allowed.

In addition, as to claims 2 and 7, Appellants respectfully assert that because the independent claims 1 and 6 upon which dependent claims 2 and 7 rely are not obvious in view of

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Greene and Rogers, then the dependent claims 2 and 7 are also not obvious in view of Greene and Rogers and the dependent claims should be allowed.

2. 35 U.S.C. 103(a), Alleged Obviousness, Claims 5, 10, and 11

The Final Office Action rejects claims 5, 10, and 11 under 35 U.S.C. §103(a) as being allegedly unpatentable over Greene (US Patent 6,246,759) in view of Rogers et al. (US Patent 5,946,386) [Final Office Action, p. 2] First, Appellants respectfully assert that because the independent claims 1 and 6 upon which these dependent claims 5, 10 and 11 rely are not obvious in view of Greene in view of Rogers, then the dependent claims 5, 10, and 11 are also not obvious in view of Greene in view of Rogers and the dependent claims should be allowed. Second, the rejection is respectfully traversed.

Claim 5, which is representative of claim 11 in grounds of rejection, reads:

5. The method for controlling distribution of caller profiles according to claim 1, wherein said authenticated voice identifier is authenticated by identifying and verifying a voice sample of said caller.

The Examiner rejects claim 5 incorporated within the rejection of claim 1 [Office Action, p. 3] and rejects claim 11 incorporated within the rejection of claim 6 [Office Action, p. 5]. With respect to the authenticated voice identifier, the Examiner states:

Rogers teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (col. 23, lines 41-43, col. 24, lines 32-36 and col. 37, lines 5-15). [Office Action, pp. 4, 6]

Appellants previously noted that col. 23, lines 41-43 and col. 24, lines 32-36 only describe voice recognition performed by comparing the callers spoken name with list of name entries. "Voice recognition" is defined as "The capability of a computer to understand the spoken word for the purpose of receiving commands and data input from the speaker." (Microsoft Computer Dictionary, 5th Edition, p. 567) Thus, voice recognition technology converts a spoken word into text that is a command or data input from the speaker. In contrast, "authentication" is not merely receiving commands or data input, but is defined as "In a multiuser or network operating system, the process by which a system validates a user's login information." (Microsoft Computer Dictionary, 5th Edition, p. 42). Further, claims 5 and 10 specify that the authenticated voice identifier is authenticated by both identifying and verifying a voice sample of the caller. Because

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voice recognition does not teach both identifying and verifying a voice sample of a caller, Rogers does not teach the authenticated voice identifier authenticated by both identifying and verifying a voice sample of the caller. Therefore, because Rogers does not teach or suggest voice authentication, Greene in view of Rogers does not teach at least one element of claims 5 and 11, a prima facie case of obviousness under 103(a) is not established, and the claims should be allowed.

In addition claim 10 reads:

10. The system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server further comprises:
means for further authentication of said authenticated voice identifier by said caller profile server prior to release of said caller profile to said call center.

The Examiner rejects claim 10 incorporated into the rejection of claim 6 [Office Action, p. 5]. Appellants respectfully assert, however, that for the reasons already stated Rogers does not teach the authenticated voice identifier or any means for performing voice authentication of a caller identity, Greene in view of Rogers does not teach or suggest the caller profile server with means for authenticating the authenticated voice identifier prior to release the caller profile to the call center. In particular, no teaching in Rogers suggests an additional authentication of an already authenticated voice identifier by a system receiving the authenticated voice identifier. Therefore, because the Examiners does not point to any teaching with Greene or Rogers of means for authenticating an authenticated voice identifier and Greene in view of Rogers does not teach or suggest a means for authenticating an authenticated voice identifier, a prima facie case of obviousness under 103(a) is not established, and the claim should be allowed.

3. 35 U.S.C. 103(a), Alleged Obviousness, Claims 3 and 12

The Final Office Action rejects claims 3 and 12 under 35 U.S.C. §103(a) as being allegedly unpatentable over Greene (US Patent 6,246,759) in view of Rogers et al. (US Patent 5,946,386) [Final Office Action, p. 2] First, Appellants respectfully assert that because the independent claims 1 and 6 upon which these dependent claims 3 and 12 rely are not obvious in view of Greene in view of Rogers, then the dependent claims 3 and 12 are also not obvious in view Greene in view of Rogers and the dependent claims should be allowed. Second, the rejection is respectfully traversed.

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Claim 3, which is similar in subject matter and rejection to claim 12, reads:

3. The method for controlling distribution of caller profiles according to claim 1, further comprising:
requiring an authentication of an identifier for said particular call center with said request before distributing said caller profile to said particular call center.

The Examiner rejects claim 3 based on Greene, Figure 2A, label 42. [Office Action, p. 5] In addition, the Examiner incorporates the rejection of claim 12 into the rejection of claim 6. [Office Action, p. 5] Appellants note that the rejection of claim 6 does not include any reference to authentication of an identifier for the call center by the call profile server prior to distributing the caller profile to the call center.

With reference to the grounds of rejection of claim 3, Greene, Figure 2A, label 42 reads "destination application number". The specification of Greene, col. 4, lines 61-67, further describes label 42 as "a destination application 42, or gate number, identifies a specific application for processing the call at the destination ACD 12B" and that if now application is specified in label 42, "the destination ACD 12B routes the received overflow call as it normally routes telephone calls from the telephonic network." Thus, Greene describes that the origin ACD, in passing an overflow call to another ACD, may choose to specify the application to be used by the destination ACD in processing the call. The destination application number does not refer to an identifier for the call center itself. There is no teaching in Greene or cited by the Examiner requiring an authentication of an identifier for the call center making the request before distributing the caller profile to that call center. In addition, even if Rogers were to describe caller authentication, as asserted by the Examiner, there is no portion of Rogers that teaches authentication of the call center. Therefore, because Greene does not teach or suggest at least one element of claims 3 and 12, a prima facie case of obviousness under 103(a) is not established and the claims should be allowed.

4. 35 U.S.C. 103(a), Alleged Obviousness, Claim 4

The Final Office Action rejects claim 4 under 35 U.S.C. §103(a) as being allegedly unpatentable over Greene (US Patent 6,246,759) in view of Rogers et al. (US Patent 5,946,386) [Final Office Action, p. 2] First, Appellants respectfully assert that because the independent claim 1 upon which dependent claim 4 relies are not obvious in view of Greene in view of

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Rogers, then the dependent claim 4 is also not obvious in view Greene in view of Rogers and the dependent claim should be allowed. Second, the rejection is respectfully traversed.

Claim 4 reads:

4. The method for controlling distribution of caller profiles according to claim 1, wherein said caller profile comprises at least one from among personal information, billing information, a selection of preferences while on hold, and previous product purchases.

The Examiner rejects claim 4 under Figure 2B, label 56 of Greene. Figure 2B, label 56 of Greene reads "call priority". The specification of Greene, col. 6, lines 10-23 further describe label 56 as containing "information regarding the priority of the overflow call" and that "calls assigned to higher priority levels are routed to internal telephonic units sooner than the calls having a lower priority level." The call priority number of Greene is a number assigned by the system. The call priority number of Greene does not describe or suggest information accessed from a caller profile for a caller such as personal information, billing information, a selection of preferences while on hold, and previous product purchases. In contrast, claim 4 teaches that the caller profile of claim 1 includes at least one of personal information, billing information, a selection of preferences while on hold, and previous product purchases. Therefore, because Greene in view of Rogers does not teach or suggest any of the elements of the caller profile as taught by claim 4, a prima facie case of obviousness under 103(a) is not established and the claims should be allowed.

5. 35 U.S.C. 103(a), Alleged Obviousness, Claims 17-20

The Final Office Action rejects 5 and 16 under 35 U.S.C. §103(a) as being allegedly unpatentable over Uppaluru (US Patent 6, 381,329) in view of Rogers (US Patent 5,946,386). [Final Office Action, p. 7] The rejection is respectfully traversed.

Independent method claim 17, which is representative of system claim 19 with regard to similarly recited rejection, reads as follows:

17. A method for controlling distribution of caller profiles to call centers, comprising:
receiving a request at a central server system accessible from a telecommunications network for a caller profile according to an authenticated voice identifier of a caller currently on hold within a call center, wherein said request comprises an identifier for said call center;

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determining a subscription status of said call center from among a plurality of call center subscriptions according to said identifier for said call center; and

only distributing a subscribed to portion of said caller profile to said call center according to said subscription status.

In the rejection of claims 17 and 19, the Examiner states the following grounds:

As to claims 17, 19 with respect to Figures 1-4, Uppaluru teaches a method for controlling distribution of call center information (caller profiles) to Pop call center gateways (call centers) comprising:

receiving a request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information (a caller profile) according to a proxy call (an authenticated voice identifier of a caller) currently on hold within a call center (Col. 4, lines 30-48), wherein said request comprises a translated called party number (an identifier for said call center) (Col. 3, lines 5-21);

determining a toll-free number (subscription status) of said call center from among a plurality of toll-free numbers (call center subscriptions) according to said identifier for said call center (Col. 3, lines 5-21); and

only distributing a customized application (subscribed to portion) of said call center information (caller profile) to said call center according to said subscription status (Col. 3, lines 22-41).

Uppaluru does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that Uppaluru suggests the limitations. This is because Uppaluru teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37). Rogers teaches voice identification of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36, and col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to Uppaluru's invention for verifying a caller's identity as taught by Rogers' invention in order to provide callers with personalized messages. [Office Action, pp. 7-8]

In addition, in the response to Appellants previous arguments filed on May 9, 2005 with regard to claims 17 and 19, the Examiner states:

Uppaluru's 'customized application' is not equivalent to the claimed 'subscribed to portion'. Examiner respectfully disagrees because Uppaluru teaches that the customized application is related to an advertised 1-800 number and services a customer (subscriber) with appropriate prompts and menus (subscribed to portion). This teaching shows that the appropriate prompts are a portion of prompts for a respective advertisement linked to a 1-800 number. [Office Action, pp. 8-9]

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The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Appellants respectfully assert that the Examiner does not carry the burden of proving a prima facie case of obviousness as to claims 17 and 19 for the following reasons.

Neither Uppaluru or Rogers, separately or in combination, teaches or suggests all the limitations of claim 17 and 19

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In particular, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). First, Appellants respectfully note that the Examiner does not show, nor do the references teach or suggest, separately or in combination, the claimed invention as a whole, and in particular does not teach a “caller profile” for the same reasons as asserted by Appellants with reference to claims 1 and 6. Second, Appellants respectfully note that the Examiner does not show, nor do the references teach or suggest, separately or in combination, a “subscription status” or a “subscribed to portion” as taught in the elements of *determining a subscription status of said call center from among a plurality of call center subscriptions according to said identifier for said call center and only distributing a subscribed to portion of said caller profile to said call center according to said subscription status*.

In particular, the references do not teach a “subscription status” or a “subscribed to portion” because when viewed as a whole, claim 17 teaches that a subscription status entitles a call center to a particular portion of a caller profile. In the rejection of claim 17, the Examiner associates the “toll-free number” disclosed in Uppaluru with the “subscription status” and “call center subscriptions”. [Office Action, p. 7] In addition, the Examiner associates the “customized application” disclosed in Uppaluru with the “subscribed to portion” of a caller profile. [Office Action, p. 8] Appellants note that the “customized application” disclosed in col. 3, lines 5-41 of Uppaluru is the “customized interactive voice response application” for a

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particular business. Each toll-free number corresponds with a particular customized application. *Uppaluru*, col. 3, lines 5-41. *Uppaluru* does not teach distributing only a portion of a particular customized application for a toll-free number. In addition, the present invention does not teach a subscription status of a call center corresponding with a particular caller profile, but in contrast teaches that each call center has a subscription status and that the subscription status indicates what portion of a caller profile, which inherently has multiple available portions, is distributed to the requesting call center. In conclusion, a prima facie case of obviousness under 103(a) is not established for claims 17 and 19 because at least one element of claims 17 and 19 is not taught by *Uppaluru* and Rogers, separately or in combination. Because a prima facie case of obviousness under 103(a) is not established for claims 17 and 19, Appellants respectfully request allowance of claims 17 and 19.

Appellants note that Examiner's responsive argument that "*Uppaluru* teaches that the customized application is related to an advertised 1-800 number and services a customer (subscriber) with appropriate prompts and menus (subscribed to portion). This teaching shows that the appropriate prompts are a portion of prompts for a respective advertisement linked to a 1-800 number." [Office Action, pp. 8-9] Appellants respectfully submit that it is unclear what portion of *Uppaluru* or the claims the Examiner refers to in the statement "this teaching shows that the appropriate prompts are a portion of prompts for a respective advertisement linked to a 1-800 number." Nevertheless, Appellants note that the Examiner is now equating both the "customized application" and "the appropriate prompts and menus" to the "subscribed to portion". Appellants respectfully note that the "customized interactive voice response application" for a particular business includes the "appropriate prompts and menus" for that customized application to direct the interactive voice response unit. *Uppaluru*, col. 3, lines 22-35. There is no indication in *Uppaluru* that only a portion of the customized application is distributed, from the description of an IVRU servicing a customer through the prompts and menus of a customized application for that 1-800 number. Therefore, Applicants continue to assert that because neither *Uppaluru* nor Rogers teaches or suggests the "subscribed to portion", a prima facie case of obviousness under 103(a) is not established for claims 17 and 19 and the claims should be allowed.

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There is no suggestion or motivation to modify Uppaluru by Rogers

To establish a prima facie case of obviousness, there must be a suggestion or motivation to modify the references. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438, 1442 (Fed Cir. 1991). In particular, the teaching, suggestion or motivation to combine or modify the teachings of the prior art to produce the claimed invention must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art and the examiner must explicitly point to the teaching within the reference suggesting the proposed modification. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Absent such a showing, the Examiner has impermissibly used “hindsight” occasioned by Appellants’ own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.2d 115, 117, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989). The Examiner states that:

Uppaluru does not teach the following limitations: “authenticated voice identifier” and “caller profiles”. However, it is obvious that Uppaluru suggests the limitations. This is because Uppaluru teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37).

Appellants respectfully assert that Uppaluru does not provide a suggestion or motivation to modify Uppaluru by Rogers to teach the claimed invention as a whole.

There is no suggestion or motivation to modify Uppaluru in view of Rogers because there is not suggestion or motivation to modify the “call center information” of Uppaluru to teach a caller profile. In the rejection of claims 17 and 19, the Examiner replaces the claim element of “caller profile” with “call center information” but does not explicitly point to a teaching that suggests this modification. The “call center information” disclosed in Uppaluru refers to the capability of a single POP call center gateway to intercept calls for multiple distinct business call centers, translate a called party number to identify the particular business call center associated with the call, and request “call center information and applications” from the premises call center of the particular business call center. *Uppaluru*, col. 3, lines 5-41, col. 4 lines 49-54, col. 5 line 65 through col. 6 line 14. The POP call center gateway then runs a “matching interactive voice response application customized to the business call center.” *Uppaluru*, col. 3, lines 22-41.

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Thus, Appellants note that the “call center information” is business call center specific information used to specify an interactive voice response application for the business call center. While, the “call center information” is used to customize the voice response application for a particular business associated with the incoming called number, the mere teaching of a customized announcement according to the business center called does not suggest or motivate receiving an authenticated caller identifier, accessing a caller profile according to the authenticated identity, and then selecting a portion of the caller profile to distribute to a particular call center according to the portions of a caller profile subscribed to by the particular call center. In conclusion, a prima facie case of obviousness under 103(a) is not established for claims 17 and 19 because there is no suggestion or motivation to modify Uppaluru by Rogers to teach all the elements of claims 17 and 19. Because a prima facie case of obviousness under 103(a) is not established for claims 17 and 19, Appellants respectfully request allowance of claims 17 and 19.

In addition, as to claims 18 and 20, Appellants respectfully assert that because the independent claims 17 and 19 upon which dependent claims 18 and 20 rely are not obvious in view of Uppaluru and Rogers, then the dependent claims 18 and 20 are also not obvious in view of Uppaluru and Rogers and the dependent claims should be allowed.


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CONCLUSION

It is therefore respectfully requested that the Examiner's rejections be reversed and claims 1-7, 10-12, and 17-20 be allowed.

Please charge the fee of \$500.00 for submission of an Appeal Brief under 37 CFR 41.20(b)(2) to IBM Corporation Deposit Account No. 09-0447. No additional filing fee is believed to be necessary; however, in the event that any additional fee is required, please charge it to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

 m 11/17/06

Amy J. Pattillo
Attorney for Appellants
Reg. No 46,983
P.O. Box 161327
Austin, Texas 78716
vox (512) 402-9820
fax (512) 306-0417

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VIII. Claims Appendix

The Claims involved in the Appeal are as follows:

1. A method for controlling distribution of caller profiles comprising:

receiving a request at a central server system accessible from a telecommunications network for a caller profile according to an authenticated voice identifier of a caller currently on hold within a particular call center from among a plurality of call centers enabled to access said central server system;

locating, at said central server system, said caller profile matching said authenticated voice identifier, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system; and

distributing said caller profile to said particular call center according to said authenticated voice identifier, such that said particular call center is enabled to customize on hold services provided to said caller according to said caller profile, wherein said caller profile is accessible across said plurality of call centers according to said voice identifier for customizing on hold services provided to said caller.

2. The method for controlling distribution of caller profiles according to claim 1, further comprising:

receiving an alternate request at said central server system for said caller profile according to said authenticated voice identifier of said caller currently on hold within an alternate call center from among said plurality of call centers; and

distributing said caller profile to said alternate call center according to said authenticated voice identifier.

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3. The method for controlling distribution of caller profiles according to claim 1, further comprising:

requiring an authentication of an identifier for said particular call center with said request before distributing said caller profile to said particular call center.

4. The method for controlling distribution of caller profiles according to claim 1, wherein said caller profile comprises at least one from among personal information, billing information, a selection of preferences while on hold, and previous product purchases.

5. The method for controlling distribution of caller profiles according to claim 1, wherein said authenticated voice identifier is authenticated by identifying and verifying a voice sample of said caller.

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6. A system for controlling distribution of caller profiles, comprising:

a caller profile server communicatively connected to a network accessible by a plurality of call centers;

means for receiving a request at said caller profile server for a caller profile according to an authenticated voice identifier of a caller currently on hold within a particular call center from among said plurality of call centers;

means for locating said caller profile matching said authenticated voice identifier at said caller profile server, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system; and

means for distributing said caller profile to said particular call center according to said authenticated voice identifier, wherein said caller profile is accessible across said plurality of call centers according to said voice identifier for customizing on hold services provided to said caller.

7. The system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server is communicatively connected to a PSTN network via an intranet.

10. The system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server further comprises:

means for further authentication of said authenticated voice identifier by said caller profile server prior to release of said caller profile to said call center.

11. The system for controlling distribution of caller profiles according to claim 6, wherein said authenticated voice identifier is authenticated by identifying and verifying a voice sample of said caller.

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12. The system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server further comprises:

means for requiring an authentication of an identifier for said call center with said request before distributing said caller profile to said particular call center.

17. A method for controlling distribution of caller profiles to call centers, comprising:

receiving a request at a central server system accessible from a telecommunications network for a caller profile according to an authenticated voice identifier of a caller currently on hold within a call center, wherein said request comprises an identifier for said call center;

determining a subscription status of said call center from among a plurality of call center subscriptions according to said identifier for said call center; and

only distributing a subscribed to portion of said caller profile to said call center according to said subscription status.

18. The method for controlling distribution of caller profiles according to claim 17, wherein said identifier for said call center is at least one from among an authenticated voice identifier, a subscription code identifier, and a line number identifier.

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19. A system for controlling distribution of caller profiles to call centers, comprising:

a caller profile server communicatively connected to a network accessible by a plurality of call centers;

means for receiving a request at said caller profile server for a caller profile according to an authenticated voice identifier of a caller currently on hold within a call center, wherein said request comprises an identifier for said call center;

means for determining a subscription status of said call center from among a plurality of call center subscriptions according to said identifier for said call center; and

means for only distributing a subscribed to portion of said caller profile to said call center according to said subscription status.

20. The system for controlling distribution of caller profiles according to claim 19, wherein said identifier for said call center is at least one from among an authenticated voice identifier, a subscription code identifier, and a line number identifier.

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IX. Evidence Appendix

There is no evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner that is relied upon by Appellants in the appeal.

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X. Related Proceedings Appendix

There are no decisions rendered by a court or the Board in any related appeals.